

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW MEXICO

United States of America)

v.

) Jose Andres RAMIREZ)

APR 08 2016
MATTHEW J. DYKMAN

CLERK

Case No.

*(Mmj) 1476*Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/7/2016 in the county of Bernalillo in the Federal District of New Mexico, the defendant(s) violated:*Code Section*

21 USC §841(a)(1); (b)(1)(A)

Offense Description

Possession with Intent to Distribute a Controlled Substance, to wit, 1 kilogram or more of Heroin.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

 Continued on the attached sheet.*G. Maestas*
Complainant's signatureGerald P. Maestas, DEA Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/8/2016City and state: Albuquerque, New Mexico*Judge's signature**Laura Fashing, U.S. Magistrate Judge*

Printed name and title

AFFIDAVIT

On April 7, 2016, at approximately 11:30 a.m., Special Agent (SA) Gerald Maestas and SA Jarrell Perry were at the Greyhound Bus Station, 320 1st St. SW, Albuquerque, New Mexico when the eastbound bus arrived for its regularly-scheduled stop. Agents routinely conduct consensual encounters with passengers as they board the bus to continue on their travels.

SA Maestas greeted two (2) male passengers who were seated on the right side of the aisle approximately halfway back from the front of the bus. SA Maestas displayed his DEA badge and asked for and received consent to speak to both subjects. SA Maestas asked for and was provided with the tickets by both passengers as well as identification. While SA Maestas was speaking to the subjects SA Perry, who had been conducting consensual encounters at the back of the bus, advised SA Maestas that he had already spoken to the subject seated at the window seat. SA Maestas continued his consensual encounter with the passenger seated in the aisle seat, whose bus ticket was issued under the name "Jose Ramirez" and showed travel to Charlotte, North Carolina. SA Maestas reviewed RAMIREZ's ticket and returned it to him. SA Maestas reviewed RAMIREZ's Arizona Identification Card and returned it to him.

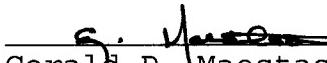
SA Maestas learned that RAMIREZ was traveling with two pieces of luggage, a small grey and white duffel bag which he had carried on, and a checked bag located in the luggage compartment underneath the bus. SA Maestas asked for and received consent to search RAMIREZ's carry-on bag as well as the checked suitcase. SA Maestas found no contraband in RAMIREZ's carry-on bag. SA Maestas located RAMIREZ's suitcase in the luggage compartment, a blue hard-sided "Calvin Klein" suitcase with a baggage check tag in the name of Jose Ramirez attached. Within RAMIREZ's suitcase underneath some clothing, SA Maestas located four (4) grey duct-taped packages. SA Maestas knew from training and experience that the packages contained a controlled substance. SA Maestas cut into one of the packages and observed that the package contained what SA Maestas suspected to be heroin.

SA Maestas and SA Perry boarded the bus and SA Maestas placed RAMIREZ under arrest.

At the Albuquerque District Office, SA Maestas, SA Perry and Task Force Officer Clarence Davis processed the controlled substance. SA Perry conducted a field-test of the substance which showed a positive reaction for the presence of heroin. The combined gross weight of the four (4) packages was determined to be 4.85 kilograms.

In a post-arrest interview after being advised of his Miranda Rights, which RAMIREZ said he understood and would waive, RAMIREZ admitted he was transporting the drugs to Charlotte, North Carolina and was to receive \$8,000 payment.

Assistant United States Attorney Kimberly Brawley reviewed and approved this Criminal Complaint and supporting Affidavit.



Gerald P. Maestas, Special Agent
Drug Enforcement Administration

Sworn to before me, and signed in my presence.

April 8, 2016 at Albuquerque, New Mexico



Laura Fashing
United States Magistrate Judge